

**REPORT BY THE
AUDITOR GENERAL
OF CALIFORNIA**

**A REVIEW OF THE STATE-MANDATED
COUNTY VOTER OUTREACH PROGRAMS**

**A Review of the State-Mandated
County Voter Outreach Programs**

P-118, March 1992

**Office of the Auditor General
California**



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March 4, 1992

P-118

Honorable Robert J. Campbell, Chairman
Members, Joint Legislative Audit Committee
State Capitol, Room 2163
Sacramento, California 95814

Dear Mr. Chairman and Members:

The Office of the Auditor General presents its report concerning the Office of the Secretary of State's oversight of state-mandated county voter outreach programs.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kurt Sjoberg".

KURT R. SJÖBERG
Auditor General (acting)

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Summary

Results in Brief

The State, in keeping with the Legislature's intent that voter registration be maintained at the highest possible levels, requires all counties in California to design and implement programs known as voter outreach to identify and register unregistered voters. The Office of the Secretary of State (office) is responsible for overseeing the counties' voter outreach programs. Our review disclosed the following:

- Most counties are not complying with the State's requirements for voter outreach programs;
- The office has not annually evaluated counties' programs in accordance with state regulations;
- From 1980 to 1990, 37 California counties had decreases in the percentage of the eligible population registered to vote despite the implementation of voter outreach statutes; and
- The office has used inappropriate methodologies and made numerous miscalculations to reimburse counties for their net costs in implementing voter registration and outreach, resulting in overpayments to many counties and underpayments to a few others.

Background

The California Elections Code, under Chapter 704, Statutes of 1975, requires counties to maintain voter registration at the highest possible level by promoting and encouraging voter registration. The Elections Code mandated that the office develop regulations requiring counties to design and implement programs, known as voter outreach, to identify and register voters. Voter outreach programs include activities such as publicizing the registration process in newspapers and other media, staff consulting with advisory committees and the public, and printing outreach literature. The regulations required that counties submit voter outreach plans to the office in 1976 and that the office annually evaluate the programs. In 1989, the office attempted to revise its regulations for county outreach programs to require that counties submit biennial plans for evaluation by the office. The Department of Finance rejected these regulations because of the additional costs of implementation. In November 1991, the office again submitted new regulations for review. Nevertheless, the 1976 regulations are still in effect.

The Elections Code also provides for the State to reimburse counties for their net costs of complying with various provisions of the Elections Code related to voter registration and outreach. Net costs are those additional costs counties incur beyond the customary voter registration costs they incurred before the new laws. The code requires the office to develop a formula for the reimbursement process. For fiscal year 1991-92, \$1.2 million is available to reimburse counties for their net costs. Notwithstanding voter outreach laws, the gap between the number of registered California voters compared with the number of eligible voters has generally increased since 1940.

Not All Counties Comply With the State's Voter Outreach Requirements

Not all counties are complying with the State's voter outreach program requirements. Specifically, most counties do not adhere to all of the minimum requirements for outreach programs in their current outreach activities. In fact, officials in 12 of the 58 counties we surveyed stated that they do not have formal outreach programs. Of the 16 outreach plans we reviewed, 12 did not meet all of the minimum requirements. Only one plan met all of the minimum

requirements while we could not determine whether the 3 remaining plans, which were unclear, met the minimum requirements. The office's lack of oversight over county outreach plans and programs has contributed to counties' noncompliance. While the office has not provided oversight of county plans and programs, the chief deputy secretary of state said that the office has provided assistance to counties concerning programs to register voters, provided materials to counties for use in registering voters, and conducted state-sponsored voter registration activities to assist counties in registering voters.

Counties that do not have outreach plans or programs meeting the minimum requirements may not be effective in increasing the number of registered voters and may not be fulfilling the intent of the Legislature to maintain voter registration at the highest possible level. We did not attempt to identify all potential factors that may have contributed to declining voter registration. Nevertheless, we did find that in 37 of California's 58 counties, the number of registered voters decreased as a percentage of eligible voters from 1980 to 1990. Nine of these 37 counties indicated that they did not have formal voter outreach programs.

**The State
Reimburses
Many Counties
for More Than
Counties'
Documented
Net Costs**

The office used inappropriate methodologies in developing the formula to reimburse counties for the net costs of their voter registration activities. The office assigned an average reimbursement rate to 16 counties that was not based on the net costs documented by these counties. Also, the office calculated reimbursement rates for 6 other counties that disregarded one out of three years of cost data submitted by those counties. This practice resulted in reimbursement rates that were approximately 50 percent higher than those supported by the counties' data. In addition, although the office's policy is to adjust rates according to the percent changes in the Consumer Price Index, the office made undocumented revisions to 6 other counties' reimbursement rates by amounts that differed from these percent changes. Four of these undocumented revisions were due to mathematical errors made by the office. Because of these practices, the State is reimbursing

many counties at rates greater than the net costs the counties documented for complying with the appropriate codes and regulations.

**Recommen-
dations**

We recommend that the office take the following actions:

- Ensure that counties design and implement voter outreach plans and programs that meet state minimum requirements; and
- Annually evaluate county outreach programs.

To ensure that it reimburses counties based on their documented net costs of voter registration activities, the office should take the following actions:

- Eliminate the use of the average reimbursement rate assigned to the 16 counties, and reimburse these counties only for the net costs they documented;
- For the 6 counties for which one year of net cost data was disregarded, recalculate the reimbursement rates using all three years' net cost data; and
- Correct the mathematical errors made in four counties' reimbursement rates.

Agency Comments The Office agrees with our recommendations. However, the office believes that it cannot effectively evaluate compliance with voter outreach regulations because the regulations fail to require annual reports from county elections officials. Furthermore, the office feels that the statistics on voter registration trends cannot be linked to the office's and the counties' noncompliance with voter outreach regulations. The office also believes that assigning an average rate to 16 counties was an appropriate method of complying with the net cost reimbursement requirement of Elections Code, Section 827. Despite this opinion, the office is currently in discussions with county officials to develop a better formula for reimbursing net costs.

Introduction

The secretary of state is California's chief elections officer and is responsible for the administration and enforcement of election laws. The Office of the Secretary of State (office), a constitutionally established office, has eight divisions and approximately 400 staff positions with a total program budget of \$31.8 million for fiscal year 1991-92.

The office, through the Elections Division, ensures uniform compliance with the State's election laws. The Elections Division issues technical information to the public and to legislative and local election officers regarding election laws and procedures. Also, among other election responsibilities, the office is the central repository for voter registration data and official election results.

The office carries out its elections and voter registration activities and responsibilities with the 58 counties through responsible elections officials at each county. Those officials either are elected or are civil servants, and they have various titles such as county clerk, county recorder, or county registrar of voters. It is through this relationship that the office coordinates the counties' voter registration activities.

In fiscal year 1991-92, the Elections Division had a total budget of \$9.4 million, of which \$430,000 was for printing of registration-by-mail materials. The Elections Division budgeted another \$1,149,000 to reimburse postage for voter-registration-by-mail activities. To carry out these activities, the office had approximately four full-time equivalent positions providing assistance to counties in performing voter outreach and voter registration by mail during fiscal year 1990-91.

**Legislation
Initiating Voter
Outreach and
Registration
Activities**

In 1975 and 1976, with the expressed legislative intent of maintaining voter registration at the highest possible level, the State enacted Chapter 704, Statutes of 1975, and Chapter 1275, Statutes of 1976, which changed the Elections Code to include the present Sections 302 and 304. These changes became effective in 1976. Figure 1 summarizes the provisions of these statutes.

Figure 1

Legislation Initiating Voter Outreach

Chapter 704, Statutes of 1975

Requires the office to

- Implement voter registration by mail;
- Develop regulations mandating counties to design and implement outreach programs;
- Establish minimum requirements for outreach programs;
- Take action for counties failing to design and implement acceptable programs.

Chapter 1275, Statutes of 1976

Requires counties to

- Minimize obstacles to registering all citizens, including those without sufficient English language skills;
- Enlist the aid of citizens and organizations in registering every eligible resident in the county.

Chapter 980, Statutes of 1986

Requires the State to reimburse counties for the net costs of complying with the voter-registration-by-mail and voter outreach provisions of Chapter 704.

Requires the office, in consultation with the state controller, to develop a formula for reimbursing counties' net costs.

As the figure shows, Chapter 704 instructed the secretary of state to develop regulations requiring counties to design and implement programs that would identify and register qualified citizens to vote. These regulations prescribed that counties submit plans for their programs to the office in 1976. The office, in turn, must review the plans and evaluate programs annually.

Chapter 980, Statutes of 1986, which added Elections Code, Section 827, required the office, in consultation with the state controller, to develop a formula for reimbursing counties' net costs. As summarized in Figure 1, this revision to the Elections Code provides for the State to reimburse counties for the net costs of complying with the voter-registration-by-mail and voter outreach provisions of Chapter 704, Statutes of 1975. The office defines net costs as those additional costs of changing from the previous system of using deputy registrars to a system of postcard registration and voter outreach efforts. As such, it included savings as well as costs. For example, the prior system required counties to keep and transport to polling places a duplicate set of affidavits of registration, which no longer is necessary. The office stated that the elimination of this requirement resulted in substantial savings to counties.

Initial Voter Outreach Activities

In response to Section 304 of the Elections Code, the office developed Sections 20000 through 20006 of Title 2, Article 3 of the California Code of Regulations, which became effective in September 1976. These regulations required that all counties design and implement programs intended to identify and register to vote qualified persons not registered. These programs would be referred to as outreach programs. Outreach includes activities such as publicizing the registration process in newspapers, on radio and television, and on billboards; staff consulting with advisory committee members, the public, and the press; printing outreach literature and newsletters; and efforts to reach major pools of unregistered voters.

After adopting these regulations, the office began taking steps to oversee the development of voter outreach programs in the counties. During the late 1970s, the office received and evaluated outreach program plans for 53 of the 58 counties. Although the office was required to develop program plans for counties that did not submit plans, it did not develop plans until 1985 for the 5 counties not submitting plans. The office conducted site visits during the late 1970s at 12 counties to monitor the implementation of voter outreach and registration programs. During this time, the office reviewed county claims for reimbursement of net program costs for categories such as personnel, equipment, and materials.

In fiscal year 1982-83, the office created a reimbursement allocation formula to reimburse net program costs based on the numbers of affidavits processed by each county. An affidavit of registration (affidavit) is that portion of the voter registration card, dated and signed by the affiant, that contains the facts necessary to establish eligibility as a voter. See Figure 2 for an example of the information contained on a voter registration affidavit.

| AFFIDAVIT OF REGISTRATION STATE OF CALIFORNIA | | | | | | |
|--|---|---------------------|------------------------------|---|--|--|
| PRINT IN INK | | | | | | |
| 1 | NAME (First) | Optional | <input type="checkbox"/> Mr. | <input type="checkbox"/> Mrs. Middle | <input type="checkbox"/> Miss Last | |
| 2 | RESIDENCE (Number - Street - Apartment No.) | | | | | |
| City | County | ZIP Code | Former Address | | | |
| 3 | If no street address, describe location of residence: (cross streets, route, box, section, township, range, etc.) | | | | | |
| City | County | State | City | County | State | |
| Political Party | | | | | | |
| 4 | MAILING ADDRESS (if different from residence) | | | | | |
| City | State | ZIP Code | | | | |
| 5 | DATE OF BIRTH (Month - Day - Year) | 8 OCCUPATION | | | | |
| 6 | BIRTHPLACE (U.S. State or Foreign Country) | | | | | 12 SIGNATURE—Sign on line in box below. |
| 7 | POLITICAL PARTY (check one) | | | | | 9 Telephone (Optional) |
| <input type="checkbox"/> American Independent Party <input type="checkbox"/> Democratic Party <input type="checkbox"/> Green Party <input type="checkbox"/> Libertarian Party <input type="checkbox"/> Peace and Freedom Party <input type="checkbox"/> Republican Party <input type="checkbox"/> Decline to State <input type="checkbox"/> Other (Specify) _____ | | | | | 10 Not applicable in this County 11 HAVE YOU EVER BEEN REGISTERED TO VOTE? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, complete this section to the best of your knowledge concerning your most recent registration. Name (as registered) 13 If someone helps fill out or keeps this form, see #13 instructions below. (_____) _____ | |

Figure 2

This new reimbursement method, based on the number of affidavits processed, replaced and simplified the previous method of having counties submit detailed cost and savings data to the office for determination of the net reimbursement amounts. However, for fiscal year 1984-85 reimbursements, because of criticism from the Office of the Legislative Analyst and because of the enactment of Chapter 980, Statutes of 1986, the office revised the formula so that each county had a separate rate for reimbursement of its net Chapter 704 costs. The office set out to develop rates for each county based on averaging the net costs during the three-year period encompassing July 1979 through June 1982. It divided those costs by the number of affidavits obtained during that period to determine the average rate.

**Voter Outreach
Activities
of the State
Controller's
Office**

The local reimbursements bureau of the State Controller's Office (SCO) is responsible for processing counties' claims for reimbursements of their net costs of complying with the provisions of Chapter 704 concerning voter outreach and registration by mail. In addition, Section 827 of the Elections Code requires that the office, in consultation with the state controller, develop a formula for reimbursing counties for their net costs of complying with Chapter 704. However, the SCO has not provided any input to ensure accuracy and appropriateness to the office's formula for reimbursing counties for the net costs of their compliance with Chapter 704. The SCO stated that it did not provide input to the Chapter 704 net cost allocation formula because it lacked the expertise and so deferred to the office.

The Elections Code, Section 827, also states that the state controller shall allocate and disburse to the counties the amounts necessary to reimburse them for net costs incurred in complying with Chapter 704. To accomplish this, the SCO annually prepares and distributes to counties reimbursement-claim instructions and forms. The counties then submit certified claims for reimbursement each year, which the SCO processes and approves for payment.

The SCO does not validate or audit the amounts of the claims filed by the counties. Although the office suggested that the SCO conduct audits of counties' data, the SCO stated that it has not done

so because the Chapter 704 cost reimbursements are relatively small and the SCO lacks the staff required to perform the audits. The amounts of county claims during the period of our review ranged from less than \$200 annually to more than \$400,000 for Los Angeles County, the largest county. See Appendix A for figures on each county's affidavits processed, approved cost reimbursements, and reimbursement rates for the period of our review.

Voter Outreach Activities of the Commission on State Mandates

In addition to the office and the SCO, the Commission on State Mandates (commission) is involved in the voter outreach and voter-registration-by-mail funding process. The commission ensures that funding is provided to local governments for all costs mandated by the State through legislative acts or executive regulations. Therefore, in addition to the amount budgeted by the office for voter registration activities previously discussed, the budget of the commission contains funds to reimburse counties for the net costs of complying with Chapter 704, Statutes of 1975. The commission's budget for Chapter 704 reimbursements ranged from \$600,000 in fiscal year 1981-82 to \$1,197,000 in fiscal year 1991-92.

Scope and Methodology

The purpose of this audit was to determine whether the office and the counties are adhering to the statutory and regulatory requirements pertaining to county voter outreach plans and programs.

After analyzing the appropriate codes and regulations, we interviewed office staff who work with county elections officials regarding county voter outreach plans and programs to determine the extent of the office's oversight activities. We also reviewed office files pertaining to voter outreach for the same reason. After obtaining copies of the voter outreach plans for each county, we selected and reviewed a judgmental sample of 16 plans to determine if they met all the minimum requirements stated in the regulations.

In addition, we surveyed the State's 58 counties regarding their current voter outreach plans and programs. All 58 counties responded to our survey. We tabulated county responses to our survey questionnaire to determine whether counties' programs adhered to the minimum requirements. We also conducted site visits to 2 counties to examine their outreach programs. Further, we followed up on the survey questionnaire through telephone conversations with 12 counties to clarify the information they had provided us. We did not review the outreach activities the office may have performed in addition to its oversight of county programs mandated by law.

We also examined the role of the SCO and the commission regarding Chapter 704 reimbursements. Using information provided by the SCO, we documented the dollar amount of Chapter 704 reimbursements approved in support of county voter outreach efforts for the three fiscal years from July 1, 1987, through June 30, 1990. (See Appendix A for figures on each county's affidavits processed, approved cost reimbursements, and reimbursement rates for this period.) However, we did not independently validate the number of affidavits certified by counties in their claims for Chapter 704 reimbursements, although we did independently calculate the reimbursement amounts approved by the SCO for payment for a sample of 6 counties during each of the fiscal years of our review.

We reviewed the office's initial development of the Chapter 704 cost reimbursement rates for each county under the current formula, which became effective during fiscal year 1984-85. We also independently confirmed the calculations of, and attempted to confirm the support for, any changes to each county's Chapter 704 reimbursement rate for all subsequent fiscal years through fiscal year 1989-90.

Finally, we obtained and reviewed voter registration data from the office and from the United States Bureau of the Census to analyze trends in voter registration levels. We include a summary of this data on page 18, Figure 5. We neither audited this data nor attempted to identify or analyze all potential factors that may have contributed to changes in voter registration levels.

Chapter 1 Not All Counties Comply With the State's Voter Outreach Program Requirements

Chapter Summary Not all counties comply with the State's requirements for voter outreach programs as stated in the codes and regulations. Specifically, in their current outreach activities, most counties do not adhere to all of the minimum requirements for outreach programs. For example, 50 of the 58 counties we surveyed regarding their current outreach plans and programs do not measure the cost-effectiveness of their outreach methods as required, and 40 of the 58 counties do not have the required budget for voter outreach. Also, only 17 of the 58 counties stated that they identify major pools of unregistered voters. In addition, 12 of the 58 counties stated that they do not have formal outreach programs although the regulations charge each county to design and implement such a program. Furthermore, in a sample of 16 county outreach plans that we reviewed in greater detail, 12 of the 16 plans did not meet all of the minimum requirements as stated in the regulations. Only one plan met all of the minimum requirements. Three plans did not contain clear budget information as required in the regulations, and we could not determine if these plans met the minimum requirements. A lack of oversight over county outreach plans and programs by the Office of the Secretary of State (office) has contributed to the counties' noncompliance. Counties that do not have outreach plans or programs meeting the minimum requirements may not be effective in increasing the number of registered voters and may not be fulfilling the intent of the Legislature to maintain voter registration at the highest possible level. While we did not identify all potential contributing factors, we found that the number of California's registered voters as a percentage of total eligible voters decreased one percent from 1980 to 1990. Thirty-seven counties had decreases ranging from less than one percent to 24 percent. Nine of the 37 counties indicated they did not have formal voter outreach programs.

Regulatory Requirements

Sections 20000 through 20006, Title 2, Article 3 of the California Code of Regulations, contain regulations requiring all counties in California to design and implement programs to identify and register unregistered voters (outreach programs). The office developed these regulations as directed by Elections Code, Section 304.

Section 20001 of these regulations establishes minimum requirements for county outreach programs. These minimum requirements direct counties to consult on a continuing basis with all interested persons who have special knowledge in outreach methods. The counties also must publicize voter registration and establish program priorities and a schedule of critical dates and deadlines. Further requirements include assessing the cost-effectiveness of outreach methods and establishing plans that are reasonably balanced in the allocation of outreach efforts among major pools of unregistered voters. Section 20001 also requires counties to establish a budget for outreach, to solicit the assistance of local government and private entities and personnel, and to control the distribution of voter registration affidavits.

In addition to these regulations, Section 302 of the Elections Code states the intent of the Legislature to encourage non-English speaking citizens to vote. Section 302 requires that counties make reasonable efforts to minimize obstacles to registering citizens where the county clerk finds 3 percent or more of the voting age residents of a voting precinct are non-English speaking or when the clerk is informed of the need for registration assistance for non-English speaking citizens.

**Counties' Outreach Programs
Do Not Comply With State Requirements**

According to the responses we received from our survey of California's 58 counties regarding their current voter outreach plans and programs, most county voter outreach programs do not meet all of the minimum requirements that we examined in our survey. For example, 50 of the 58 counties stated that they do not measure the cost-effectiveness of their outreach methods as required by the regulations. Six counties stated they measure cost-effectiveness and 2 counties did not respond to this question.

However, during follow-up interviews with 12 counties to clarify the survey data, 2 of the counties that had stated they measure cost-effectiveness disclosed that they do not measure actual cost-effectiveness. Instead, these 2 counties stated that they track the number of affidavits returned from various county locations. Also, 40 of the 58 counties stated that they do not have budgets for voter outreach programs separate from their total voter registration budgets. In addition, 12 counties stated that they do not have formal or documented voter outreach programs as specified in Sections 20000 and 20001 of the regulations even though these counties have outreach plans on file with the office. During follow-up interviews with 3 of these 12 counties, the 3 counties stated that they do conduct informal voter outreach activities but that they do not have or have not allocated the resources to conduct a full-time, documented program.

Through our survey, we also analyzed the outreach methods currently used in the 58 counties. According to the survey responses, 13 counties do not perform continuing consultation with persons interested in voter outreach, as required in the regulations. Also, only 17 of the 58 counties stated that they identify major pools of unregistered voters as provided for in the regulations, and only 4 of the 58 counties stated that they identify precincts with more than 3 percent non-English speaking residents as provided for in the codes. Although we could not identify which counties have major pools of unregistered voters or more than 3 percent non-English speaking residents, the United States Bureau of the Census reported in its statistics for California that only 25.7 percent of the eligible Hispanic-origin population stated they were registered to vote in 1990, while 62.4 percent of the eligible blacks and 57.0 percent of the eligible white population stated that they were registered in that year.¹

¹Census statistics did not identify other ethnic groups in these registration statistics.

After follow-up interviews with officials at 9 of the 17 counties that stated they identify major pools of unregistered voters, we found that although these counties said they identify major pools of new citizens, young voters, and new county residents, not all these counties are identifying minority populations as major pools of unregistered voters. According to one county official, census data can be used along with precinct voter registration data to identify areas with high minority populations and low registration. However, only 4 of the 9 counties we spoke with used census data to identify minority groups in low registration areas while officials at 2 others said they have plans to use census data to identify minority populations in the future. One of these 9 counties, Los Angeles, indicated that it identifies new citizens as a major pool of unregistered voters through naturalization ceremonies.

In addition, we spoke with officials at all 4 counties that said they identify precincts with more than 3 percent non-English speaking residents and found that not all are using current information to determine these precincts. Two of these 4 counties used the most current 1990 census data to identify these precincts while one used 1980 census data. The remaining county assumed that many precincts exceed the 3 percent non-English speaking level.

Counties' Plans Do Not Meet State Requirements

In addition to the survey of all 58 counties, we reviewed a judgmental sample of 16 of the 58 county outreach plans on file in the office to determine if county outreach plans met the minimum requirements as stated in the regulations. Of the 16 plans we reviewed, only one county plan met all the minimum requirements of the regulations. Three of the 16 plans did not contain clear budget information, and we could not determine if these plans met the minimum requirements. The remaining 12 plans did not meet all of the minimum requirements. For example, 3 had not established a budget for outreach, 7 had not established a schedule of critical dates and deadlines, 7 county plans did not describe efforts to assess the cost-effectiveness of outreach methods, and one county plan did not describe efforts to consult with persons interested in outreach.

**Lack of
Oversight by
the Office**

The office did not oversee county outreach plans and programs adequately, contributing to the counties' failure to comply with the regulations' minimum requirements. Based on our review of files and our interviews with staff who oversee outreach, we determined that the office has not fully complied with all codes and regulations pertaining to its oversight of county voter outreach plans and programs. Section 20004 of the regulations specifically requires the office to evaluate county outreach programs annually for adherence to the minimum requirements of Section 20001 and for effectiveness in increasing the number of registered voters. However, the office has not annually evaluated county voter outreach programs since 1978 and does not evaluate county programs for adherence to the minimum requirements or for effectiveness in increasing the number of registered voters. In addition, although the office designed outreach plans for five counties that had not submitted outreach plans to the office as of 1985, the chief deputy secretary of state said that the office did not notify the attorney general that these counties had not designed and implemented outreach plans. Notification of the attorney general is required by Elections Code, Section 304.

In November 1989, the office attempted to conduct an annual evaluation and requested counties to submit copies of their outreach programs, other materials, and budget information to the office by February 1, 1990. Although these materials were requested, we found no evidence that the office evaluated the materials submitted. The office neither compared the materials received to the older outreach plans on file nor determined if the plans met the minimum requirements stated in the regulations. Despite the office's lack of evaluation, 12 counties, responding to our survey, stated that their outreach programs had been evaluated by the office. We interviewed officials at 4 of these counties to determine the nature of any evaluation performed. Officials at all 4 counties said they had submitted voter outreach plans for office approval in 1990 at the office's request, and when they did not hear back from the office, they presumed that the office had evaluated the plans and found them acceptable.

According to the chief deputy secretary of state, the office has not performed annual outreach evaluations because, he believes, neither the statutes nor the regulations provide the office the authority to require that counties annually submit their plans for evaluation. Further, the chief deputy stated that the office did not notify the attorney general of the five counties that had not designed outreach plans as of 1985 because the counties were generally very small and had limited staff and financial resources. However, the regulations do not exempt counties from designing outreach plans because of their size, staffing, or financial condition.

In 1989, the office attempted to revise its regulations for county voter outreach programs to require that counties submit biennial plans for evaluation by the office. The Department of Finance rejected these regulations because of the additional costs of implementation. In November 1991, the office again submitted new regulations for review. Nevertheless, until new regulations are adopted, the 1976 regulations are still in effect.

Despite the office's opinion that it does not have the authority to require that counties submit plans annually, the office does not need counties to submit plans in order to evaluate county outreach programs. For example, the office could complete annual evaluations of outreach programs by comparing current outreach activities with the original outreach plans on file with the office.

Although the office has not annually evaluated county outreach programs or complied with all statutory mandates regarding outreach, the chief deputy secretary of state said the office has provided assistance to counties concerning programs to register voters, provided materials to counties for use in registering voters, and conducted state-sponsored voter registration activities to assist counties in registering voters. According to our survey responses, 29 of the 58 counties had received assistance from the office within the last two fiscal years regarding their outreach programs. The remaining 29 counties stated they had not received any assistance from the office.

By not overseeing counties' outreach plans and programs, the office cannot ensure that the counties are complying with the State's requirements. Counties that do not have outreach plans or programs meeting the minimum requirements and those that have not been evaluated by the office may not be identifying and registering all eligible unregistered voters. Consequently, these counties may not be fulfilling the intent of the Legislature to maintain voter registration at the highest possible level.

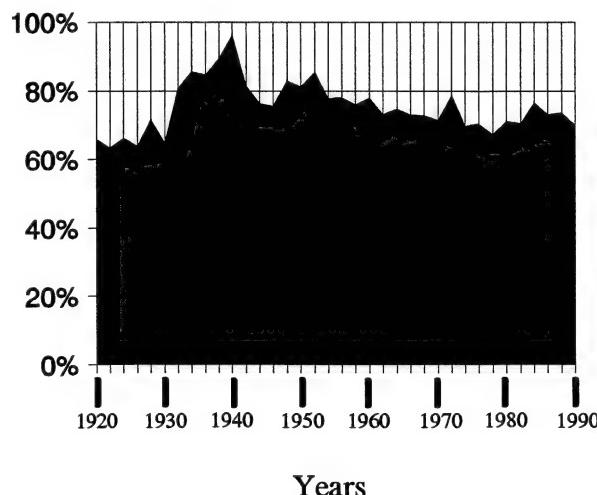
Voter Outreach Statistics

Statistics on voter registration in California indicate that voter registration programs have not increased the percentage of registered voters over registration levels before the enactment of Chapter 704. According to statistics kept by the office, the number of registered California voters, as a percentage of eligible voters, grew from approximately 65 percent in 1920 to nearly 90 percent in 1938 (see Figure 3).

Figure 3

Percentage of Eligible Population Registered To Vote in California 1920 Through 1990

Percent



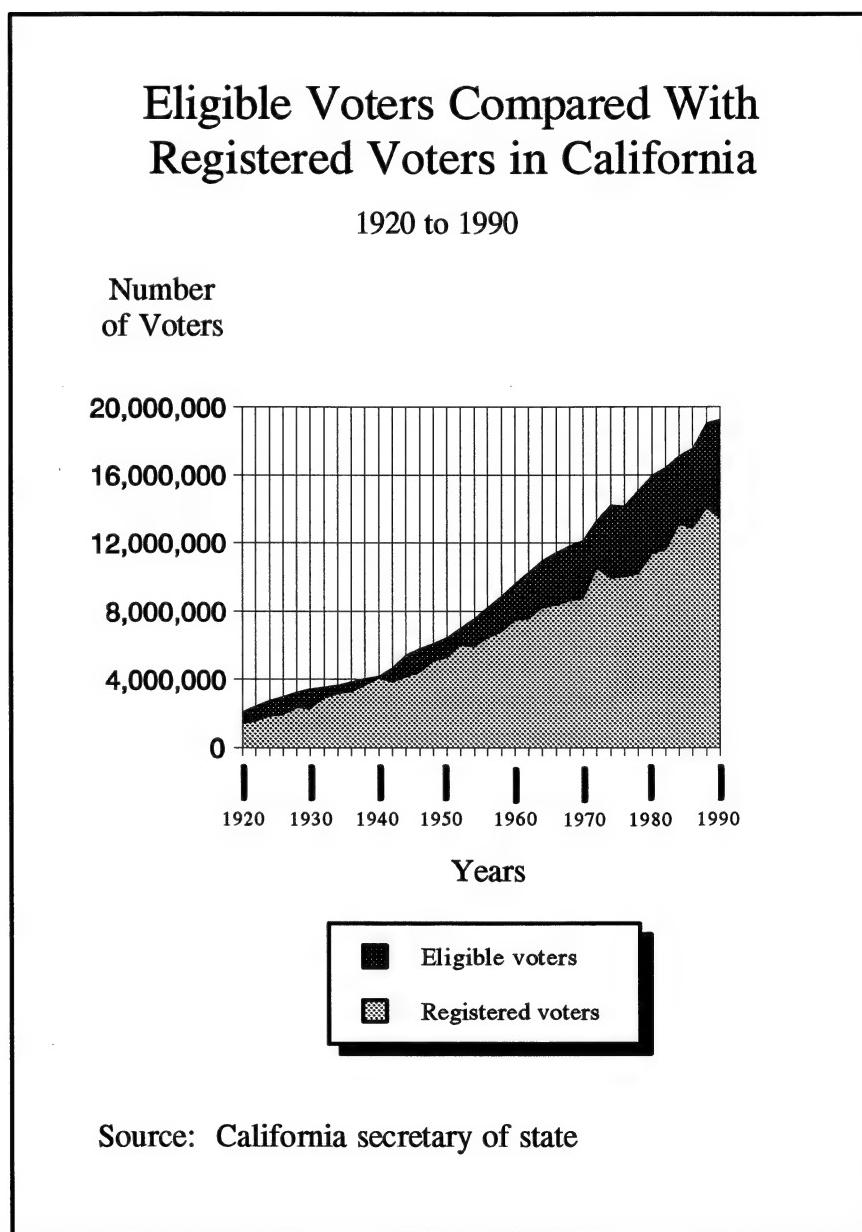
Source: California secretary of state

As the figure shows, voter registration in California peaked at 96 percent in 1940. However, voter registration levels have declined since that year. Since 1960, registration levels have dropped to the 65 to 75 percent range, except for the presidential election years of 1972 and 1984 when registration levels rose slightly to 78.5 and 76.4 percent, respectively. In fact, the lowest voter registration levels in the last 50 years, 67.3 and 70.0 percent in 1978 and 1990, respectively, have been since legislation on voter outreach took effect in July 1976.

Also, as shown in Figure 4, generally the gap between the number of registered voters compared with the number of eligible voters has continued to increase since 1940. For example, although

the number of eligible voters in the State increased 20.3 percent from 1980 to 1990—from 15,999,000 to 19,245,000—the number of registered voters increased only 18.6 percent—from 11,361,600 to 13,478,000. As a result, the number of registered voters as a percentage of eligible voters decreased from 71 to 70 percent from 1980 to 1990. (See Appendix B for figures on each county's eligible population, registered population, and percentage of registered population in 1980 and 1990.)

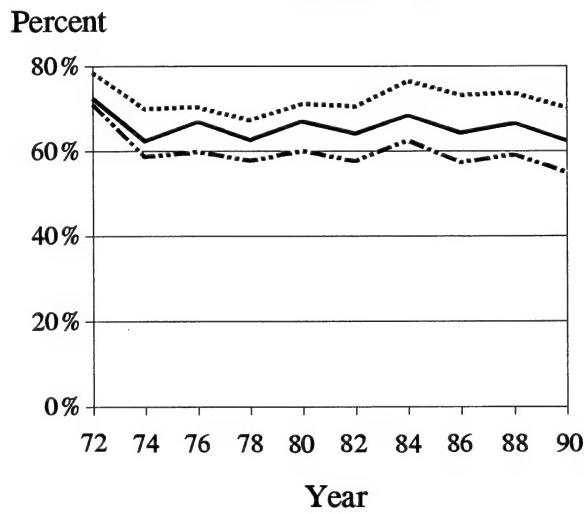
Figure 4



In addition to a declining voter population, statistics from a general election survey conducted by the United States Bureau of the Census indicate that California has a lower percentage of eligible voters registered than the rest of the nation (see Figure 5). These statistics also show that, since 1972, the gap between the percentage of reported registered voters in California and the percentage of reported registered voters nationwide has grown from 1.3 percentage points to 7.4 percentage points.

Figure 5

Percentage of Eligible Voters Registered To Vote in California and the Nation 1972 Through 1990



Sources: California secretary of state;
U.S. Bureau of the Census.

¹ California census figure estimated for 1984 because data not available.

According to an elections specialist with the office, the office's statistics are based on estimates from the Department of Finance. Although these statistics indicate that California has a higher percentage of its population registered than the nation, United States Bureau of the Census (bureau) statistics from the general election survey of 1990 indicate that only 54.8 percent of California's voting age population reported they were registered to vote while 62.2 percent of the nationwide voting age population reported they were registered in 1990. The office's statistics on voter registration differ from the bureau's statistics because the bureau's statistics are derived from a survey of households in California.

We did not identify all potential factors that may have contributed to declining voter registration. Nevertheless, we did find that at the county level, 37 of California's 58 counties had decreases in the percentage of the eligible population registered to vote from 1980 to 1990. Nine of these 37 counties that experienced a decrease indicated that they do not have a formal outreach program. In addition, 9 counties that each received over \$10,000 in Chapter 704 reimbursements for fiscal year 1989-90 had decreases in the percentage of the eligible population registered to vote from 1980 to 1990. While other factors may have contributed to the decline, voter outreach programs have not been successful in increasing voter registration over the levels that existed before the outreach legislation was enacted.

| | |
|-------------------|--|
| Conclusion | In response to the Elections Code, Section 304, the secretary of state developed regulations requiring all counties to design and implement programs to identify and register unregistered voters. These regulations establish minimum requirements for outreach programs. However, most counties are not complying with the State's voter outreach program requirements. For example, 50 of the 58 counties stated that they do not measure the cost-effectiveness of their outreach methods as specified in the regulations, and 40 of the 58 counties stated that they do not have an outreach budget as required. Twelve of the 16 outreach plans we |
|-------------------|--|

reviewed did not meet all the minimum requirements as stated in the regulations. Three plans were unclear, and only one met all of the minimum requirements.

A lack of oversight over county outreach plans and programs has contributed to the counties' noncompliance. By not fulfilling all of the responsibilities in the codes and regulations, the office is not overseeing outreach plans and programs to the extent intended by the Legislature. Consequently, counties may not be maintaining voter registration at the highest possible level. The number of California's registered voters as a percentage of total eligible voters decreased one percent from 1980 to 1990.

**Recommen-
dations**

To maintain voter registration at the highest possible level, the office should take the following actions:

- Ensure that counties design and implement voter outreach plans and programs that meet state minimum requirements; and
- Annually evaluate county outreach programs to ensure that counties are adhering to the minimum requirements for outreach and are effective in increasing the number of registered voters.

Chapter 2 The State Reimburses Many Counties for More Than Their Documented Net Costs for Voter Registration and Outreach Programs

Chapter Summary

The State is required by law to reimburse counties for their net costs of complying with the provisions of Chapter 704, Statutes of 1975. Also, the Office of the Secretary of State (office), in conjunction with the State Controller's Office (SCO), is required to develop a formula for reimbursing counties' net costs of complying with Chapter 704. In developing this formula, the office used inappropriate methodologies, assigning an average reimbursement rate to 16 counties that was not based on the net costs documented by these counties. Also, the office disregarded one out of three years of net cost data submitted by 6 counties when it calculated these counties' reimbursement rates. This resulted in rates that were approximately 50 percent higher than those supported by the counties' data. In addition, although the office's policy is to adjust rates according to percent changes in the Consumer Price Index (CPI), it made undocumented revisions to 6 other counties' reimbursement rates by amounts that differed from these percent changes. Because of these practices, the State is reimbursing many counties either at rates greater or less than the net costs counties documented for complying with Chapter 704 or at rates calculated without documenting that the counties incurred any reimbursable net costs.

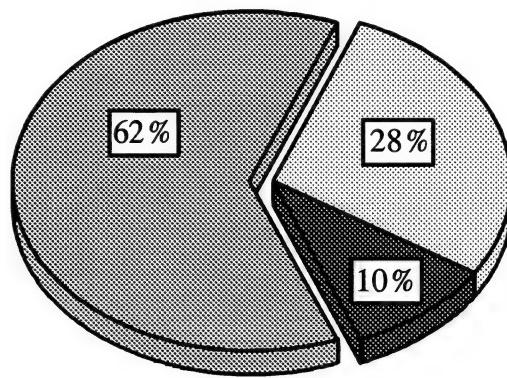
Reimbursement of Net Costs

The Elections Code, Section 827, states that counties shall be reimbursed for their net costs of complying with the voter registration provisions of Chapter 704. The code also states that the formula for reimbursing these net costs shall be developed by the office in consultation with the SCO. In response to this law, the office created the current formula for use in fiscal year 1984-85. This formula was based on net cost data that the counties had

already submitted for the three fiscal years 1979-80, 1980-81, and 1981-82. Figure 6 indicates that the office inappropriately calculated the reimbursement rates for 38 percent of the 58 counties.

Figure 6

Methods Used To Calculate Chapter 704 Net Cost Reimbursement Rates



Appropriate Methods

- Rate calculated in compliance with the statutes.

Inappropriate Methods

- Average rate assigned to 16 counties not based on documented net costs.
- Rate calculated for 6 counties with one year of net cost data disregarded.

In each fiscal year following the formula's first use in fiscal year 1984-85, the office increased counties' reimbursement rates for Chapter 704 costs to reflect percent changes in the CPI. The office also made policy statements that counties' formula rates would be revised for other than CPI changes only if counties could document the need for the change. The following table shows that 6 counties received undocumented revisions to their reimbursement rates.

**Chapter 704 Reimbursement Rates,
Affidavits Processed, and Approved Costs
for Each County for Fiscal Year 1989-90
Arranged by Method of Reimbursement Rate Computation**

| County | Reimbursement Rate | Affidavits Processed | Approved Costs |
|--|--------------------|----------------------|------------------|
| 16 counties assigned an average reimbursement rate not based on documented net costs | | | |
| Alameda ¹ | \$0.636 | 76,254 | \$ 48,498 |
| Alpine ¹ | 0.636 | N/C | N/C |
| Amador | 0.636 | N/C | N/C |
| Lassen | 0.636 | 1,219 | 775 |
| Marin | 0.636 | 14,781 | 9,401 |
| Modoc ¹ | 0.636 | 408 | 259 |
| Mono | 0.636 | N/C | N/C |
| Napa | 0.636 | 8,594 | 5,466 |
| Placer | 0.636 | 16,405 | 10,434 |
| Plumas ¹ | 0.636 | 1,266 | 805 |
| San Luis Obispo | 0.636 | 26,504 | 16,857 |
| Santa Clara ¹ | 0.636 | 98,291 | 62,513 |
| Shasta ² | 0.636 | 14,880 | 9,464 |
| Sierra ¹ | 0.636 | 367 | 233 |
| Tehama | 0.636 | 3,162 | 2,011 |
| Yuba ¹ | 0.636 | 2,728 | 1,608 |
| Total | | | \$168,324 |
| 6 counties with one year of net cost data disregarded | | | |
| Humboldt | \$0.326 | 14,478 | \$ 4,720 |
| Inyo | 0.326 | 1,694 | 552 |
| Monterey | 0.480 | 15,629 | 7,502 |
| San Diego | 0.117 | 180,802 | 21,154 |
| Santa Barbara | 0.299 | 29,915 | 8,945 |
| Santa Cruz | 0.229 | 18,228 | 4,173 |
| Total | | | \$ 47,046 |

Continued on Next Page

Office of the Auditor General

| County | Reimbursement Rate | Affidavits Processed | Approved Costs |
|---|--------------------|----------------------|------------------|
| 36 counties with reimbursement rates calculated in compliance with the statute | | | |
| Butte | \$0.364 | 18,473 | \$ 6,724 |
| Calaveras | 0.312 | 3,422 | 1,068 |
| Colusa | 1.002 | 489 | 490 |
| Contra Costa | 0.273 | 61,245 | 16,720 |
| Del Norte | 0.947 | 3,339 | 3,162 |
| El Dorado | 0.389 | 14,607 | 5,682 |
| Fresno | 0.243 | 43,918 | 10,672 |
| Glenn ² | 0.317 | 1,017 | 322 |
| Imperial | 0.474 | 2,882 | 1,366 |
| Kern | 0.234 | 33,649 | 7,874 |
| Kings | 1.323 | N/C | N/C |
| Lake | 0.127 | 3,785 | 481 |
| Los Angeles | 0.563 | 310,335 | 174,719 |
| Madera | 1.669 | 5,217 | 8,707 |
| Mariposa ² | 1.680 | 1,998 | 3,357 |
| Mendocino | 0.334 | 5,863 | 1,958 |
| Merced | 1.953 | 11,583 | 22,622 |
| Nevada ² | 0.841 | 7,945 | 6,682 |
| Orange | 0.185 | 117,341 | 21,708 |
| Riverside | 0.282 | 81,370 | 22,946 |
| Sacramento ² | 0.407 | 119,911 | 48,804 |
| San Benito ² | 0.530 | 2,346 | 1,243 |
| San Bernardino | 0.603 | 88,311 | 53,252 |
| San Francisco | 0.548 | 127,111 | 69,657 |
| San Joaquin | 0.206 | 30,023 | 6,185 |
| San Mateo | 0.533 | 42,463 | 22,633 |
| Siskiyou | 0.978 | N/C | N/C |
| Solano | 0.539 | 24,198 | 13,043 |
| Sonoma | 0.110 | 34,573 | 3,803 |
| Stanislaus | 0.375 | 27,904 | 10,464 |
| Sutter | 0.695 | 3,196 | 2,221 |
| Trinity | 3.181 | 974 | 3,098 |
| Tulare | 0.658 | 19,833 | 13,050 |
| Tuolumne | 0.606 | 3,580 | 2,169 |
| Ventura | 0.112 | 27,477 | 3,077 |
| Yolo | 0.720 | 17,917 | 12,900 |
| Total | | | \$582,859 |

Source: Office of the Secretary of State and the State Controller's Office

Note: N/C = No claim filed.

¹Counties that did not submit any net cost data.

²Counties that received an undocumented change in their reimbursement rate prior to fiscal year 1989-90.

**Office Use of
an Average
Reimbursement
Rate**

Since fiscal year 1984-85, the office has inappropriately assigned Chapter 704 cost reimbursement rates to 16 (27.6 percent) of the 58 counties by averaging the reimbursement rates for the other counties rather than by basing the reimbursements on these 16 counties' actual net costs. (See the table on page 23 for a list of these 16 counties.)

For example, of the 16 counties to which the office assigned the average rate, 7 did not submit any net cost data for the three-year period required by the office. In fact, 2 of the largest counties in the State in terms of eligible voters, Alameda and Santa Clara, did not submit the net cost data requested by the office. However, instead of obtaining the required documentation or denying rates to these 2 counties, the office assigned them an average rate. This rate was more than three times higher than the rates developed for other large counties that submitted net cost data.

Also, 5 of these 16 counties, Marin, Placer, San Luis Obispo, Shasta, and Tehama, submitted documentation to the office indicating they had lower net costs than the average reimbursement rate assigned to them by the office. For example, Placer and San Luis Obispo counties submitted cost documentation for the three-year period indicating either no net costs or a net savings in two of the years and net costs of \$0.05 or less in the third year. However, the office assigned the initial fiscal year 1984-85 average rate of \$0.516 to these 2 counties, a rate more than 10 times higher than the rate the counties documented.

The office stated that it developed and assigned counties an average reimbursement rate because it believed that many counties lacked the resources to reconstruct accurately the precise actual cost information. The office also stated that turnover in personnel at the counties, differences among the counties' voting and accounting systems, and other factors made it inefficient, if not impossible, to reimburse these counties for the actual net costs of complying with Chapter 704. Although Section 827 of the Elections Code stipulated that the formula for reimbursing these net costs shall be developed by the office in consultation with the state controller, the SCO stated that it was not aware that 16 counties had received an average reimbursement rate.

**One Year of
Net Cost Data
Disregarded in
Developing
Rates**

For 6 of the 58 counties, the office used only two years of data to arrive at the Chapter 704 reimbursement rates, although three years of base-period cost data were available and required by the office. (See the table on page 23 for a list of these 6 counties.) These counties filed data for the third year indicating either no net costs or a net savings for complying with Chapter 704. However, the office averaged the two years of data and disregarded the third year in the calculation. For example, Monterey County submitted cost data for two fiscal years in the base period and indicated either no net costs or a net savings in the third year. The office averaged the two years of costs to derive an average cost per affidavit and disregarded the third year. If the office had included the third year in the average, the average cost reimbursement rate would have been reduced approximately 33 percent, from \$0.350 to \$0.233.

The office speculates that its staff averaged two years of data rather than three for these 6 counties for the same reason that it assigned average reimbursement rates to the 16 counties previously discussed: it believed that many counties lacked the resources to reconstruct accurately the precise actual cost information. Also, as with the 16 counties previously discussed, the office said that staff turnover, different voting and accounting systems, and other factors made it unlikely that either the “net savings” or the “no net costs” claimed by those counties accurately reflected actual net costs for those counties. However, the office has subsequently implied that counties may have had net savings because certain procedures were eliminated as a result of implementing Chapter 704 requirements. For example, the office stated that substantial savings resulted from eliminating duplicate affidavits of registration. We question whether the office had sufficient information to make this assessment because of its limited review of counties’ documentation and because it has not annually evaluated counties’ voter registration and outreach activities and costs.

**Undocumented
Changes
in Certain
Counties' Rates**

Although the office's policy is to adjust rates according to percent changes in the CPI, it made undocumented changes to 6 counties' reimbursement rates by amounts that differed from these percentages. (See footnoted counties in the table on page 23.) For example, the office increased the reimbursement rates initially developed for Shasta and Sacramento counties by amounts greater than the changes in the CPI without documenting or justifying these higher rates. For fiscal year 1985-86 reimbursements, the office increased the cost reimbursement rate for Shasta County from \$0.019 per affidavit to the fiscal year average rate (\$0.537) given to 15 other counties. According to the chief deputy secretary of state, the office increased the rate based on a request from Shasta County. He also stated that office staff believed that there was insufficient base-year data on which to establish a fair reimbursement rate and that it would be unfair for this small county with limited resources to be required to produce such data. During fiscal year 1987-88, the office increased Sacramento County's cost reimbursement rate by \$0.022 per affidavit. Sacramento County had requested a rate increase because it believed that the office made a mistake in initially calculating its reimbursement rate. The office has no data documenting or substantiating the reasons for either of these increases, nor could it provide the counties' original reimbursement claims.

We also found that the office made mathematical errors that increased or decreased four other counties' reimbursement rates by amounts that differed from annual CPI adjustments. These counties were Glenn, Mariposa, Nevada, and San Benito. The office confirmed that changes in the rates resulted from mathematical errors, which were not caught by the office, the counties involved, or the SCO.

The office's explanations for these changes to counties' Chapter 704 cost reimbursement rates are not always consistent with statements the office provided to other counties that unsuccessfully sought increases in their rates. For example, the office told one county seeking an increase in its reimbursement rate that it may be difficult to document that the county's rate should be increased because the county would need to show how the historical voter registration programs have changed and how the new

programs require a greater expenditure of funds. In another instance, the office stated that to re-examine rates, it would require the counties to document the need for the change and provide the documentation back to 1975. The office stated that this data may be missing or difficult to find and that the Legislature would have to make an adjustment in funding. Despite these comments, the office cannot show that the counties receiving increases in the past years had provided such documentation. Also, the office cannot locate the original claims submitted by any of the counties.

Reimbursements Are Greater Than Documented Net Costs

Because the office assigned an average rate to 16 counties, the State reimbursed these counties a total of \$168,324 in fiscal year 1989-90 (see table). Specifically, 7 counties that did not document any reimbursable net costs inappropriately received a total of \$113,916. The 9 remaining counties received amounts totaling \$54,408, which were greater than the costs these counties documented for complying with Chapter 704. Since the State is reimbursing these 16 counties more per affidavit than many counties that actually documented net costs, there is an inequity between counties that filed and counties that did not file net cost data.

Also, because the office did not factor in the third year of data indicating either no net costs or a net savings for six counties, the State reimbursed these counties \$47,046 in fiscal year 1989-90. This is approximately 50 percent higher than the net costs these counties documented for complying with Chapter 704 (see table). For example, San Diego County received \$21,154 in fiscal year 1989-90 based on its two-year average rate whereas it would have received \$14,283 if its rate had been based on three years of data.

In addition, because the office made undocumented changes to the reimbursement rates of six counties, the State is reimbursing Mariposa, Sacramento, and Shasta counties at higher rates than these counties documented for complying with Chapter 704. In contrast, it is reimbursing Glenn, Nevada, and San Benito counties at lower rates than appropriate to reimburse their net costs.

During our fieldwork, the office and personnel from several counties began holding preliminary meetings to address weaknesses in the current reimbursement process.

Conclusion

The office used inappropriate methodologies to develop the formula to reimburse counties for their net costs of complying with Chapter 704. The office assigned an average reimbursement rate to 16 counties that was not based on the net costs documented by these counties during the office's base period. Also, the office disregarded one year of net cost data when it calculated reimbursement rates for 6 other counties. This resulted in reimbursement rates that were approximately 50 percent higher than those supported by the counties' data. In addition, the office made undocumented revisions to 6 other counties' reimbursement rates by amounts other than changes in the CPI. The office assigned average rates because it believed that counties lacked the resources to reconstruct their actual costs and that differences among counties made it inefficient to reimburse counties for their actual costs of complying with the provisions of Chapter 704. As a result of these activities, the State is reimbursing many counties either with rates greater or less than the net costs counties documented for complying with Chapter 704 or without documenting that the counties incurred any reimbursable net costs.

Recommendations

To comply with Elections Code, Section 827, the office should ensure that the reimbursement formula allocates funds to counties based on their documented net costs of complying with Chapter 704. This would require the following:

- The office should stop using the average reimbursement rate assigned to the 16 counties and should reimburse them only for the net costs they documented;
- For the six counties for which one year of net cost data was disregarded, the office should recalculate the reimbursement rates using the net cost data for all three base years; and

- The office should correct the mathematical errors it made in four counties' reimbursement rates.

We conducted this review under the authority vested in the auditor general by Section 10500 et seq. of the California Government Code and according to generally accepted governmental auditing standards. We limited our review to those areas specified in the audit scope section of this report.

Respectfully submitted,



KURT R. SJÖBERG
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Auditor General (acting)

Date: March 2, 1992

Staff: Samuel D. Cochran, Audit Manager
John P. Albers
Dorothy J. Duda

**Appendix A Reimbursement Amounts and Rates for Counties'
State-Approved Chapter 704 Net Costs
Fiscal Years 1987-88, 1988-89, 1989-90**

Table A-1 lists each county's reported number of affidavits processed and claim amounts approved by the State Controller's Office for Chapter 704, Statutes of 1975, net cost reimbursements for fiscal years 1987-88, 1988-89, and 1989-90.

Table A-2 shows each county's reimbursement rate approved by the Office of the Secretary of State for Chapter 704 net costs for fiscal years 1987-88, 1988-89, and 1989-90.

Table A-1 **Counties' State-Approved Reimbursement Amounts
for Chapter 704 Net Costs**

| | Fiscal Year 1987-88 | | Fiscal Year 1988-89 | | Fiscal Year 1989-90 | |
|------------------------------|-------------------------|-------------------|-------------------------|-------------------|-------------------------|-------------------|
| | Affidavits Processed | Approved Costs | Affidavits Processed | Approved Costs | Affidavits Processed | Approved Costs |
| Alameda ¹ | 123,578 | \$ 71,428 | 133,446 | \$ 80,868 | 76,254 | \$ 48,498 |
| Alpine ¹ | N/C | N/C | N/C | N/C | N/C | N/C |
| Amador ¹ | N/C | N/C | 2,348 | 1,423 | N/C | N/C |
| Butte | 20,178 | 6,679 | 19,396 | 6,730 | 18,473 | 6,724 |
| Calaveras | 3,472 | 983 | N/C | N/C | 3,422 | 1,068 |
| Colusa | 519 | 472 | 343 | 328 | 489 | 490 |
| Contra Costa | 78,711 | 19,520 | 87,819 | 22,833 | 61,245 | 16,720 |
| Del Norte | 3,171 | 2,727 | 2,284 | 2,060 | 3,339 | 3,162 |
| El Dorado | 11,277 | 3,981 | 14,277 | 5,282 | 14,607 | 5,682 |
| Fresno | 78,989 | 17,378 | 48,403 | 11,181 | 43,918 | 10,672 |
| Glenn | 1,135 | 327 | 1,096 | 331 | 1,017 | 322 |
| Humboldt | 11,893 | 3,508 | 13,421 | 4,161 | 14,478 | 4,720 |
| Imperial | 6,431 | 2,765 | 5,777 | 2,605 | 2,882 | 1,366 |
| Inyo | 1,523 | 449 | 1,106 | 343 | 1,694 | 552 |
| Kern | 34,617 | 7,373 | 43,754 | 9,757 | 33,649 | 7,874 |
| Kings | 5,269 | 6,323 | 5,453 | 6,871 | N/C | N/C |
| Lake | 3,276 | 377 | 2,844 | 344 | 3,785 | 481 |
| Lassen ¹ | 1,189 | 687 | N/C | N/C | 1,219 | 775 |
| Los Angeles | 652,589 | 333,473 | 747,385 | 400,598 | 310,335 | 174,719 |
| Madera | 6,544 | 9,947 | 4,242 | 6,745 | 5,217 | 8,707 |
| Marin ¹ | 23,454 | 13,556 | 29,869 | 18,101 | 14,781 | 9,401 |
| Mariposa | 1,674 | 2,327 | 1,492 | 2,387 | 1,998 | 3,357 |
| Mendocino | 8,109 | 2,457 | 4,896 | 1,557 | 5,863 | 1,958 |
| Merced | 12,114 | 21,442 | 7,927 | 14,744 | 11,583 | 22,622 |
| Modoc ¹ | N/C | N/C | 277 | 168 | 408 | 259 |
| Mono ¹ | N/C | N/C | N/C | N/C | N/C | N/C |
| Monterey | 22,347 | 9,743 | 29,618 | 13,535 | 15,629 | 7,502 |
| Napa ¹ | 9,240 | 5,341 | 10,410 | 6,308 | 8,594 | 5,466 |
| Nevada | 9,763 | 7,459 | 8,345 | 6,684 | 7,945 | 6,682 |
| Orange | 208,498 | 35,028 | 280,749 | 49,412 | 117,341 | 21,708 |
| Placer ¹ | 17,251 | 9,971 | 20,152 | 12,212 | 16,405 | 10,434 |
| Plumas ¹ | 1,356 | 784 | 818 | 495 | 1,266 | 805 |
| Riverside | 124,376 | 31,840 | 93,858 | 25,248 | 81,370 | 22,946 |
| Sacramento | 147,775 | 54,677 | 136,318 | 52,891 | 119,911 | 48,804 |
| San Benito | 1,792 | 862 | 1,830 | 924 | 2,346 | 1,243 |
| San Bernardino | 110,721 | 60,564 | 107,006 | 61,421 | 88,311 | 53,252 |
| San Diego | 249,198 | 26,415 | 105,581 | 11,719 | 180,802 | 21,154 |
| San Francisco | 107,089 | 53,330 | 101,621 | 53,046 | 127,111 | 69,657 |
| San Joaquin | 46,768 | 8,746 | 26,109 | 5,117 | 30,023 | 6,185 |
| San Luis Obispo ¹ | N/C | N/C | 25,688 | 15,567 | 26,504 | 16,857 |
| San Mateo | 43,882 | 21,239 | 48,486 | 24,631 | 42,463 | 22,633 |
| Santa Barbara | 45,674 | 12,423 | 43,085 | 12,279 | 29,915 | 8,945 |
| Santa Clara ¹ | 146,084 | 84,437 | 160,823 | 97,459 | 98,291 | 62,513 |
| Santa Cruz | 29,481 | 6,103 | 50,476 | 10,953 | 18,228 | 4,173 |
| Shasta ¹ | 13,096 | 7,569 | 9,861 | 5,976 | 14,880 | 9,464 |
| Sierra ¹ | 322 | 186 | 275 | 167 | 367 | 233 |
| Siskiyou | 3,633 | 3,222 | 3,077 | 2,865 | N/C | N/C |
| Solano | 33,402 | 16,334 | 31,054 | 15,931 | 24,198 | 13,043 |
| Sonoma | 50,168 | 5,017 | 36,291 | 3,811 | 34,573 | 3,803 |
| Stanislaus | 23,861 | 8,113 | 21,255 | 7,588 | 27,904 | 10,464 |
| Sutter | 2,551 | 1,610 | 1,930 | 1,278 | 3,196 | 2,221 |
| Tehama ¹ | 3,806 | 2,200 | 3,809 | 2,308 | 3,162 | 2,011 |
| Trinity | 1,113 | 3,216 | 1,064 | 3,224 | 974 | 3,098 |
| Tulare | 24,013 | 14,360 | 15,240 | 9,555 | 19,833 | 13,050 |
| Tuolumne | 4,619 | 2,540 | 3,236 | 1,867 | 3,580 | 2,169 |
| Ventura | 42,074 | 4,292 | 52,854 | 5,655 | 27,477 | 3,077 |
| Yolo | N/C | N/C | 16,572 | 11,368 | 17,917 | 12,900 |
| Yuba ¹ | 1,006 | 581 | 1,698 | 1,029 | 2,728 | 1,608 |
| Total | \$1,026,381 | | \$1,131,940 | | \$798,229 | |

Source: State Controller's Office.

Note: N/C = No claim filed.

¹Counties receiving average reimbursement rate.

**Table A-2 Counties' State-Approved Reimbursement Rates
for Chapter 704 Net Costs**

| | Fiscal Year 1987-88 | Fiscal Year 1988-89 | Fiscal Year 1989-90 |
|-----------------|------------------------|------------------------|------------------------|
| Alameda | 0.578 | 0.606 | 0.636 |
| Alpine | 0.578 | 0.606 | 0.636 |
| Amador | 0.578 | 0.606 | 0.636 |
| Butte | 0.331 | 0.347 | 0.364 |
| Calaveras | 0.283 | 0.297 | 0.312 |
| Colusa | 0.910 | 0.955 | 1.002 |
| Contra Costa | 0.248 | 0.260 | 0.273 |
| Del Norte | 0.860 | 0.902 | 0.947 |
| El Dorado | 0.353 | 0.370 | 0.389 |
| Fresno | 0.220 | 0.231 | 0.243 |
| Glenn | 0.288 | 0.302 | 0.317 |
| Humboldt | 0.295 | 0.310 | 0.326 |
| Imperial | 0.430 | 0.451 | 0.474 |
| Inyo | 0.295 | 0.310 | 0.326 |
| Kern | 0.213 | 0.223 | 0.234 |
| Kings | 1.200 | 1.260 | 1.323 |
| Lake | 0.115 | 0.121 | 0.127 |
| Lassen | 0.578 | 0.606 | 0.636 |
| Los Angeles | 0.511 | 0.536 | 0.563 |
| Madera | 1.520 | 1.590 | 1.669 |
| Marin | 0.578 | 0.606 | 0.636 |
| Mariposa | 1.390 | 1.600 | 1.680 |
| Mendocino | 0.303 | 0.318 | 0.334 |
| Merced | 1.770 | 1.860 | 1.953 |
| Modoc | 0.578 | 0.606 | 0.636 |
| Mono | 0.578 | 0.606 | 0.636 |
| Monterey | 0.436 | 0.457 | 0.480 |
| Napa | 0.578 | 0.606 | 0.636 |
| Nevada | 0.764 | 0.801 | 0.841 |
| Orange | 0.168 | 0.176 | 0.185 |
| Placer | 0.578 | 0.606 | 0.636 |
| Plumas | 0.578 | 0.606 | 0.636 |
| Riverside | 0.256 | 0.269 | 0.282 |
| Sacramento | 0.347 | 0.388 | 0.407 |
| San Benito | 0.481 | 0.505 | 0.530 |
| San Bernardino | 0.547 | 0.574 | 0.603 |
| San Diego | 0.106 | 0.111 | 0.117 |
| San Francisco | 0.498 | 0.522 | 0.548 |
| San Joaquin | 0.187 | 0.196 | 0.206 |
| San Luis Obispo | 0.578 | 0.606 | 0.636 |
| San Mateo | 0.484 | 0.508 | 0.533 |
| Santa Barbara | 0.272 | 0.285 | 0.299 |
| Santa Clara | 0.578 | 0.606 | 0.636 |
| Santa Cruz | 0.207 | 0.217 | 0.229 |
| Shasta | 0.578 | 0.606 | 0.636 |
| Sierra | 0.578 | 0.606 | 0.636 |
| Siskiyou | 0.887 | 0.931 | 0.978 |
| Solano | 0.489 | 0.513 | 0.539 |
| Sonoma | 0.100 | 0.105 | 0.110 |
| Stanislaus | 0.340 | 0.357 | 0.375 |
| Sutter | 0.631 | 0.662 | 0.695 |
| Tehama | 0.578 | 0.606 | 0.636 |
| Trinity | 2.890 | 3.030 | 3.181 |
| Tulare | 0.598 | 0.627 | 0.658 |
| Tuolumne | 0.550 | 0.577 | 0.606 |
| Ventura | 0.102 | 0.107 | 0.112 |
| Yolo | 0.654 | 0.686 | 0.720 |
| Yuba | 0.578 | 0.606 | 0.636 |

Source: Office of the Secretary of State

**Appendix B Percent Change in Eligible Population
Registered To Vote, by County
1980 and 1990**

The table in this appendix presents data from the Office of the Secretary of State showing the eligible voter population for each county and the number of registered voters as a percentage of the total eligible voter population for each county in 1980 and 1990. The table also shows the change by county in the percentage of registered voters from 1980 to 1990.

**Percent Change in Eligible Population Registered To Vote,
by County, 1980 and 1990**

| | 1980 | | | 1990 | | | Change in Percentage Registered from 1980 to 1990 |
|------------------------------|------------------------|----------------------|--------------------------|------------------------|----------------------|--------------------------|---|
| | Eligible Population | Registered Voters | Percentage Registered | Eligible Population | Registered Voters | Percentage Registered | |
| Alameda ¹ | 787,014 | 595,292 | 75.64% | 858,481 | 652,400 | 75.99% | 0.36% |
| Alpine ² | 617 | 723 | 117.18 ³ | 993 | 692 | 69.69 | -47.49 |
| Amador | 14,225 | 12,575 | 88.40 | 22,502 | 17,227 | 76.56 | -11.84 |
| Butte | 112,372 | 84,877 | 75.53 | 135,928 | 98,925 | 72.78 | -2.75 |
| Calaveras ² | 13,477 | 12,895 | 95.68 | 26,096 | 18,712 | 71.70 | -23.98 |
| Colusa ² | 8,967 | 6,141 | 68.48 | 10,182 | 6,743 | 66.22 | -2.26 |
| Contra Costa ¹ | 449,214 | 358,881 | 79.89 | 546,632 | 453,435 | 82.95 | 3.06 |
| Del Norte ² | 15,032 | 9,398 | 62.52 | 14,722 | 11,104 | 75.42 | 12.90 |
| El Dorado | 56,711 | 48,367 | 85.29 | 95,343 | 72,804 | 76.36 | -8.93 |
| Fresno ^{1,2} | 339,274 | 220,431 | 64.97 | 415,876 | 285,282 | 68.60 | 3.63 |
| Glenn ² | 14,534 | 10,065 | 69.25 | 16,171 | 10,577 | 65.41 | -3.84 |
| Humboldt | 81,381 | 63,836 | 78.44 | 87,291 | 70,885 | 81.21 | 2.76 |
| Imperial | 42,235 | 30,170 | 71.43 | 55,621 | 34,947 | 62.83 | -8.60 |
| Inyo | 12,650 | 10,044 | 79.40 | 13,428 | 10,504 | 78.22 | -1.17 |
| Kern | 263,447 | 165,890 | 62.97 | 348,687 | 231,600 | 66.42 | 3.45 |
| Kings | 46,858 | 25,787 | 55.03 | 56,420 | 31,788 | 56.34 | 1.31 |
| Lake ² | 26,323 | 21,223 | 80.63 | 41,883 | 26,331 | 62.87 | -17.76 |
| Lassen | 13,853 | 10,218 | 73.76 | 21,233 | 11,387 | 53.63 | -20.13 |
| Los Angeles ¹ | 4,994,610 | 3,262,932 | 65.33 | 5,529,883 | 3,487,180 | 63.06 | -2.27 |
| Madera | 37,026 | 25,501 | 68.87 | 57,108 | 35,225 | 61.68 | -7.19 |
| Marin | 161,306 | 134,417 | 83.33 | 172,946 | 138,779 | 80.24 | -3.09 |
| Mariposa | 7,822 | 6,808 | 87.04 | 11,605 | 9,238 | 79.60 | -7.43 |
| Mendocino | 45,424 | 36,598 | 80.57 | 51,539 | 42,827 | 83.10 | 2.53 |
| Merced ¹ | 83,386 | 47,909 | 57.45 | 99,933 | 64,392 | 64.44 | 6.98 |
| Modoc | 5,795 | 4,801 | 82.85 | 6,934 | 5,492 | 79.20 | -3.64 |
| Mono | 6,641 | 4,558 | 68.63 | 7,520 | 5,228 | 69.52 | 0.89 |
| Monterey | 197,895 | 113,971 | 75.59 | 203,978 | 139,633 | 68.45 | 10.86 |
| Napa | 74,662 | 55,881 | 74.85 | 79,183 | 60,010 | 75.79 | 0.94 |
| Nevada | 35,307 | 32,663 | 92.51 | 62,223 | 48,371 | 77.74 | -14.77 |
| Orange ¹ | 1,346,600 | 1,013,337 | 75.25 | 1,559,057 | 1,090,954 | 69.98 | -5.28 |
| Placer ¹ | 78,562 | 68,014 | 86.57 | 118,186 | 95,783 | 81.04 | -5.53 |
| Plumas ² | 11,088 | 10,459 | 94.33 | 14,643 | 11,322 | 77.32 | -17.01 |
| Riverside ¹ | 436,786 | 313,450 | 71.76 | 727,256 | 499,475 | 68.68 | -3.08 |
| Sacramento ¹ | 544,930 | 411,310 | 75.48 | 705,770 | 557,520 | 78.99 | 3.52 |
| San Benito ² | 14,424 | 9,030 | 62.60 | 21,328 | 14,993 | 70.30 | 7.69 |
| San Bernardino ¹ | 562,777 | 381,549 | 67.80 | 908,943 | 602,428 | 66.28 | -1.52 |
| San Diego ¹ | 1,273,378 | 948,705 | 74.50 | 1,587,504 | 1,200,120 | 75.60 | 1.09 |
| San Francisco ¹ | 492,546 | 407,982 | 82.83 | 484,956 | 409,334 | 84.41 | 1.58 |
| San Joaquin | 224,103 | 151,537 | 67.62 | 302,750 | 204,182 | 67.44 | -0.18 |
| San Luis Obispo ¹ | 115,192 | 88,967 | 77.23 | 164,986 | 116,901 | 70.86 | -6.38 |
| San Mateo ¹ | 418,851 | 301,887 | 72.08 | 439,225 | 324,483 | 73.88 | 1.80 |
| Santa Barbara | 213,922 | 167,997 | 78.53 | 241,208 | 179,137 | 74.27 | -4.27 |
| Santa Clara ¹ | 860,912 | 613,758 | 71.29 | 1,020,716 | 725,347 | 71.06 | -0.23 |
| Santa Cruz | 138,731 | 112,457 | 81.06 | 166,260 | 129,150 | 77.68 | -3.38 |
| Shasta | 78,186 | 62,267 | 79.64 | 103,065 | 74,266 | 72.06 | -7.58 |
| Sierra ² | 2,368 | 2,198 | 92.82 | 2,655 | 2,229 | 83.95 | -8.87 |
| Siskiyou ² | 25,391 | 21,410 | 84.32 | 31,700 | 23,692 | 74.74 | -9.58 |
| Solano ¹ | 151,767 | 103,861 | 68.43 | 212,368 | 151,625 | 71.40 | 2.96 |
| Sonoma | 203,869 | 162,417 | 79.67 | 276,143 | 220,066 | 79.69 | 0.03 |
| Stanislaus ¹ | 174,078 | 108,372 | 62.25 | 237,195 | 155,601 | 65.60 | 3.35 |
| Sutter | 34,278 | 23,316 | 68.02 | 41,630 | 28,707 | 68.96 | 0.94 |
| Tehama | 25,914 | 19,540 | 75.40 | 34,098 | 24,247 | 71.11 | -4.29 |
| Trinity | 7,531 | 7,215 | 95.80 | 10,293 | 7,918 | 76.93 | -18.88 |
| Tulare ¹ | 152,457 | 93,596 | 61.39 | 190,781 | 117,071 | 61.36 | -0.03 |
| Tuolumne | 20,771 | 20,730 | 99.80 | 35,304 | 27,765 | 78.65 | -21.16 |
| Ventura | 325,049 | 237,901 | 73.19 | 424,933 | 308,555 | 72.61 | -0.58 |
| Yolo ^{1,2} | 82,973 | 64,289 | 77.48 | 96,722 | 71,689 | 74.12 | -3.36 |
| Yuba | 33,255 | 21,220 | 63.81 | 34,886 | 21,749 | 62.34 | -1.47 |
| Total | 15,998,747 | 11,361,623 | 71.02% | 19,244,902 | 13,478,027 | 70.03% | -0.99% |

Source: Office of the Secretary of State.

¹Counties receiving more than \$10,000 in Chapter 704 reimbursements in fiscal year 1989-90.²Counties that stated they do not have a formal outreach program.³This figure reflects a number of individuals who do not maintain year-round residence but who claim Alpine County as their voting residence.



Office of the Secretary of State
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Executive Office
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February 26, 1992

Kurt R. Sjoberg, Acting
Auditor General
Office of the Auditor General
660 J Street, Suite 300
Sacramento, California 95814

Re: "A Review of the State-Mandated County Voter
Outreach Programs"-Secretary of State Response

Dear Mr. Sjoberg:

We appreciate the opportunity to review and comment on the above-referenced report. There is much in the report with which we concur. However, we take exception to some of your conclusions which appear to be based on flawed analyses and to have been reached without due consideration of circumstances largely outside the control of this office and county elections officials.

(1)*

SUMMARY

THE SECRETARY OF STATE HAS COMPLIED FULLY WITH THE PROVISIONS OF THE ELECTIONS CODE IN TERMS OF PROMULGATING OUTREACH REGULATIONS.

COUNTY ELECTIONS OFFICIALS HAVE COMPLIED FULLY OR AT LEAST SUBSTANTIALLY WITH OUTREACH REGULATIONS.

STATE/COMBINED VOTER OUTREACH EFFORTS EXCEED THOSE CONTEMPLATED BY CHAPTER 704.

THE SECRETARY OF STATE'S OUTREACH REGULATIONS SHOULD BE AMENDED, AS PROPOSED BY THE SECRETARY OF STATE IN 1989 AND 1991, TO PROVIDE FOR ANNUAL EVALUATIONS AND TO ENHANCE OUTREACH EFFORTS NOTWITHSTANDING ADDITIONAL ASSOCIATED COSTS.

THE SECRETARY OF STATE, IN CONJUNCTION WITH COUNTY ELECTIONS OFFICIALS AND THE STATE CONTROLLER, SHOULD MODIFY THE FORMULA FOR REIMBURSING COUNTIES TO BETTER REFLECT "NET COSTS" AND TO ENHANCE OUTREACH.

SIGNIFICANT EFFORTS TO ARREST THE DECLINE IN VOTER PARTICIPATION IN CALIFORNIA CAN BE ACHIEVED ONLY BY THE INTRODUCTION OF NEW AND EXPENSIVE PROGRAMS SUCH AS "MOTOR VOTER", "AGENCY BASED REGISTRATION", "ELECTION DAY REGISTRATION", OR CENSUS-TAKER TYPE CANVASSING.

*The Office of the Auditor General's comments on specific points in this response begin on page 47.

Overview

The commitment of the Secretary of State to carry out the mandate that "voter registration be maintained at the highest possible levels" is well documented. The Secretary of State, who initially sponsored and implemented California's current registration by mail system, has pioneered and developed a model voter outreach program that is generally accepted to be among the best, if not the best, in the country. Her innovative, effective, and cost-efficient efforts to promote and facilitate voter participation have been emulated throughout the country. She was among the very first of the nation's secretaries of state to actively engage the private sector in the direct distribution of voter registration cards and the promotion of voter registration. Her toll-free "800" numbers (including a Spanish-speaking number and a TDD number for the hearing impaired) to obtain registration cards are an often-heralded success story.

Her outreach projects have included a multitude of approaches such as: production and placement of radio/television/video cassette/movie theater public service announcements; cooperative distribution/promotion efforts with chambers of commerce, video stores, McDonald's, Lucky Stores, Planned Parenthood, Granny Goose, Allstate Insurance, public agencies and literally hundreds of other entities; widespread promotion in business, labor and other organization newsletters; engaging over 150,000 notaries public as card distributors; involving tens of thousands of local real estate agents and brokers as distributors; billboards; bus signs; registration promotion by way of millions of utility bill "how to register" stuffers; bus shelter advertising; numerous special statewide events such as fall and spring Voter Registration Days; newspaper features; school-based education and registration activities; placard and sign programs in businesses; and numerous other projects.

No apology needs to be made for the job the Secretary of State's office has done to facilitate voter participation in California. Her efforts, combined with those of county elections officials, far exceed anything specifically mandated by statute. Nevertheless, it is true that, notwithstanding these efforts, voter participation in California has declined over the past several years. This, of course, parallels the story across the country.

(2)

(3)

As national elections procedures commentator Richard G. Smolka has observed, despite a continued liberalization of voter registration procedures and more convenient voting practices over the past thirty years, voter participation

in presidential elections has declined from 62.8 percent of the voting age population in 1960 to just about half the voting age population in 1988. In California, the turnout of those eligible to register and to vote (which is different than "voting age population" reported by the U.S. Bureau of the Census), has declined from 68.77% to a pathetic 53.51%. **We can take no pride in following the national trend. But to suggest that the decline of participation here and elsewhere can be attributed to such things as the failure of an elections official to segregate outreach components in a department or county budget or to identify unregistered voter pools in counties as required by Secretary-of-State-promulgated regulations, as the Auditor General does, is naive.**

(4)

The causes of declining voter participation in California and America are many, complex and often beyond state legislatures and elections administrators to remedy. They involve demographic, economic, and sociological factors as well as such things as an increase in the functional illiteracy rate, a decline in general civic participation, a huge influx of new citizens who have yet to become engaged in the system, non-competitive races due to incumbent protective reapportionments; disillusionment caused by expensive, negative campaigning; ridiculously long and complex and confusing ballots with measures often being added only by waiving statutory deadlines which shortens the time the public has to consider them; and a massive failure to adequately educate our young people as to the importance and mechanics of voting.

No outreach plan can be expected to overcome these structural and institutional negatives. The unanswered question, however, is how much worse would the voter participation statistics be if the Secretary of State's and counties' aggressive outreach projects had not been in place for the past 16 years? We submit that the bad figures would be even worse.

As the Secretary of State has repeatedly pointed out, California could arrest the voter participation slide and possibly turn it around if the Legislature and the Governor had the will and committed the funds to adopt proposals put forth by the Secretary of State. Voter registration and participation would increase significantly with the adoption of "motor voter", "agency-based registration", "election day registration" and census-taker type registration canvassing. However, each of these programs has fallen victim to political and/or fiscal concerns. None is apt to be adopted in the near future. We are left to far less effective and efficient devices that are currently contained in the Elections Code.

The Secretary of State is in full compliance with the Elections Code provisions with respect to her obligation to prescribe minimum requirements for the design and implementation of county outreach plans. It is the opinion of this office that counties are in substantial compliance with those minimum requirements notwithstanding technical deficiencies. County efforts, when combined with the statewide efforts previously enumerated, result in overall outreach efforts that far exceed the minimum requirements set forth pursuant to Elections Code section 304 and regulations promulgated thereunder. Heavy reliance on statewide programs to reach prospective voters is simply more cost-efficient and effective than 58 separate county efforts.

(5)

Regulations first promulgated in 1976 by the Secretary of State pursuant to Elections Code section 304 are deficient. They need to be updated to reflect the more recent focus on state/county combined outreach efforts. In addition, by failing in the regulations to require annual reports from county elections officials, there is no way that the Secretary of State can effectively monitor compliance with the regulations. Even if the regulations can be amended to require annual reports, at least two additional positions (one at the associate government program analyst level and one clerical) would be required to conduct evaluations. Efforts to amend the regulations to require annual reports and to add necessary staff have been unsuccessful given the opposition of the Department of Finance due to fiscal considerations.

Cost is a major impediment in terms of county and state strict compliance with the regulations as well as enlarging current outreach programs. **It is easy to suggest that counties and the Secretary of State do more to encourage and to facilitate the registration of voters. But what may be easy to suggest is virtually impossible to fund in today's fiscal environment.** That is true at both the state and the county levels.

(6)

Specific Responses to Findings and Recommendations in Chapter 1

Finding: Not All Counties Comply With the State's Voter Outreach Requirements

Response: The report documents the fact that, in a number of instances, counties are not complying with every requirement of the regulations. For example, many are not measuring cost-effectiveness, some are not regularly consulting with persons interested in registration, some are not specifically identifying major pools of

unregistered voters, some do not have a separate budget component for outreach. Although we believe much greater effort should be made to comply with these outreach plan components, compliance with these technical requirements has little to do with effective, efficient outreach efforts. **The bottom line is whether county efforts, when combined with state efforts, are reaching prospective voters and providing them with the opportunity to register easily and to vote.** Are voter registration forms widely available throughout a county? Is the availability of forms widely publicized through the media, billboards, bus signs, utility bill stuffers, shopping bags and special events? Are forms and assistance available at government offices having frequent contact with the public in those instances where appropriate agency approval has been obtained such as at post offices? Is there special publicity directed at non-English-speaking citizens? Are bilingual registration forms and/or registration information available where needed? Do the hearing impaired have easy access to voter registration cards and information? Are special voter promotion public service announcements seen on television and at movie houses and on VCR home movies? Are local businesses publicized and used as voter registration card distribution centers? Are there special voter registration/participation programs at local high schools? Do local real estate agents and brokers hand out voter registration cards to new residents? Do notaries public serve as registration card distributors? Are voter registration cards provided to every interested partisan and non-partisan group in sufficient numbers to meet their objectives? These are the operative questions in terms of effective outreach to which **every** county election official can correctly answer in the affirmative.

(7)

Finding: Lack of Oversight by the Office

Response:

Regulations promulgated by the Secretary of State require the Secretary of State to "annually evaluate county outreach programs". Routine formal evaluation of 58 individual county outreach programs was accomplished from 1977 to 1982 through county filing of actual cost claims for reimbursement of "net costs". When the method of reimbursement was changed to a formula basis, as mandated legislatively, counties were no longer required by either law or regulation, to submit any outreach program reports to the Secretary of State making county plan evaluations impractical. The Secretary of State has repeatedly attempted to correct this deficiency by proposing revisions to the regulations to require annual reports. In the absence of a requirement that counties provide

(8)

detailed annual reports, it is virtually impossible to conduct proper evaluations without the addition of significant staff resources. We estimate that three positions would be required to fully evaluate programs in the absence of required annual reports and at least two additional positions would be needed even with required annual reports. An effort to amend the regulations in 1989 to provide for annual reports was aborted by the failure to receive Department of Finance approval to fund associated costs. Although new regulations requiring annual reports have been submitted, receiving approval from the Department of Finance is again doubtful given the cost implications.

The ability of the Secretary of State to evaluate outreach programs annually is highly desirable. However, it is simply not possible to conduct such evaluations without additional funding for both the Secretary of State's office and county elections offices. Even before the most recent budget crisis, funding for elections programs such as this has not been forthcoming. The Department of Finance has repeatedly denied funding requests for outreach programs. There is certainly no expectation of any change in that posture. Amending the regulations to eliminate the evaluation requirement would bring the Secretary of State into compliance with her own regulations. That, however, would be an idle act in itself furthering no purpose other than the elimination of technical noncompliance. The preferred approach, it seems, would be to leave the vehicle for evaluation there notwithstanding its nonimplementation and await the improbable day when funding for such efforts becomes available.

Finding: Voter Outreach Statistics

Response:

The report attempts to compare 1980 registration/turnout figures with 1990. By doing so, the report's statistical analysis and conclusions, to the extent they are relevant at all to the audit, are virtually worthless. (9)

The use of comparative registration figures is a risky business. Comparing registration in California from one year to the next is often misleading because of the application of different purge procedures. In 1981, this office estimated that after the 1980 purge, the voter rolls still included 7.2 percent "deadwood", i.e., individuals carried on the rolls notwithstanding the fact that they had moved or died. (See Report to the Legislature dated December 15, 1981, pursuant to Item 089-101-001 of the Supplemental Report of the Committee of

Conference on the Budget Bill for 1981-82.) Since then, because of more effective purging procedures, the estimated "deadwood" has diminished. Thus, the report's reliance on the 1980 registration figure is misplaced as compared to the 1990 figures since registration in 1980 was "overstated" as compared to the 1990 figures.

(10)

It is also mixing apples and oranges to compare registration and turnout between presidential and non-presidential election years as the report does (1980 vs. 1990). Participation is always higher in presidential election years as compared to surrounding non-presidential election years.

(11)

It is even more risky comparing California's registration and turnout statistics to other states. As indicated by the widely respected Election Administration Reports, because the laws and procedures of the various states vary so widely, comparisons are difficult to make. (Election Administration Reports, December 16, 1985, p. 6) Most observers find appropriate comparisons of such things to be virtually impossible to make. We agree and believe that no credible report would attempt to do so.

(12)

The most reliable measurement of voter participation among the states is to compare turnout against "voting age population". However, even that measurement is seriously flawed since many states use the vote cast for the highest office to indicate turnout rather than actual voter turnout. Additionally, the voting age population figures provided by the Bureau of the Census include all persons of voting age including noncitizens and felons in prison or on parole for the conviction of a felony. As of February 1992, the Department of Finance estimates the number of noncitizens in California to be 2,273,386. The Department of Corrections indicates a prison population of 117,054 and an additional 77,859 persons on parole. Together, these constitute some 10.7% of the voting age population in California. Clearly, relying on "voting age population" figures from the Bureau of the Census seriously distorts any analysis of registration and voting trends in California. The most reliable figures are those used by the Secretary of State based on information provided by the Department of Finance.

(13)

To attempt to compare voter registration and turnout statistics between years and between states is flawed. To use those figures as a quantitative standard for evaluating the impact of voter outreach programs is folly. That is because the factors that determine the level of registration and participation are so many and so complex. Every election in every location is a unique experience in terms of registration and

(14)

participation depending on the current demography, the nature and number of contested races, who the candidates are, what the measures are, the extent (and funding) of particular candidate/campaign registration and GOTV, competition in terms of other issues and interests, etc.

Our experience has shown that some well-executed registration projects that target the hardest to register may result in comparatively few registrations but the fact that the hardest to register have been brought into the system may make those projects more worthy than a casual program that registers those who were apt to register anyway without any assistance. For example, several hundred voters may register at public libraries on cards placed there as part of a county outreach effort. At the same time, a comprehensive, door-to-door registration effort in conjunction with a community-based organization in a minority heritage neighborhood may generate far fewer registrations. Measured by the numbers, the first effort appears to be more productive. It isn't. Those who registered at the libraries would more than likely have registered somewhere else if the cards had not been at the libraries. However, chances are those who registered in response to the door-to-door effort would have not registered without that effort. So, which effort was really more effective? The one that appears to have netted fewer registrations is the more effective. The bottom line: numbers alone are a poor measure of the worthiness of a voter outreach project.

(15)

Despite the foregoing, the report relies heavily on statistical data comparing 1980 to 1990 figures between California counties to support a suggestion that a decline in participation is linked to noncompliance with the Secretary of State's voter outreach regulations. See Table B-1. The figures, however, don't support any such suggestion even if they are deemed, for the sake of argument, to be relevant. For example, according to the Auditor General's staff, of the counties actually surveyed, only Trinity County was found to be in full compliance with the outreach regulations. From 1980 to 1990, registration in Trinity County declined by 18.88 percent, the fourth highest decline of any county in the state. This was true even though Trinity County receives the highest reimbursement rate of any county in the state. On the other hand, three counties that claimed (according to the report) that they had no formal outreach plan, had an increase in registration.

(16)

(Similar comparisons can be made using more reliable turnout statistics from the 1978 and 1990 general elections, both non-presidential election. (Even this comparison is hazardous since registration was still "up"

for the November 1978 General Election following the Proposition 13-related registration "boost" at the June 1978 election.) Trinity County experienced a decline from 67.72% in 1978 to 56.28% (11.44%) expressed in terms of turnout among those eligible to register and to vote. Among those counties that claimed (according to the report) that they had no formal outreach plan, the average decline was only 7.68%). There is simply no demonstrable correlation between voter registration/turnout and a technical compliance with the voter outreach regulations.

To be sure, voter participation in this country is on a downward slide. However, we don't believe that any Election Code section 304 outreach program by itself would have any significant impact on reversing that slide although we also believe that the substantial combined county/state outreach efforts have mitigated the degree of decline. There is, of course, no way of knowing how low participation might be now had there been no such efforts. In any case, we believe that much more proactive and expensive steps would be necessary to have a significant impact such as "motor voter", "agency based registration", "election day registration", and census-taker-type canvassing projects. We believe such efforts could raise registration levels by ten percentage points or more. The costs, however, would run into the tens of millions of dollars and many of those registered would probably not vote.

Recommendations

Response: We agree with the recommendations. Amendments to regulations aborted by the Department of Finance in 1989 and resubmitted with certain changes in 1991 would give this office better tools to ensure greater compliance by counties as well as enhancing county outreach by mandating greater "agency based registration" efforts. Without approval of these regulations, which require, among other things, annual reports, we will be unable to comply with the regulations in the absence of significant additional funding for the office.

Specific Responses to Findings and Recommendations in Chapter 2

Finding: Reimbursement of Net Costs-Used Average Rate:

Response: The report correctly states that "net cost" averages were assigned to 16 counties that did not submit "net cost" data because the counties lacked the resources or ability to compile and provide the complex "net cost" data. The report suggests that the appropriate response of the office in these situations should have been to deny all reimbursement. We disagree. **We do not believe that denying the funding for registration activities would have**

furthered the mandate of the legislation to ensure that registration be maintained at the highest possible levels. We believe that using "net cost" averages was an appropriate method of responding to the situation and was in substantial, if not complete, compliance with the "net cost" reimbursement requirement of the act. However, for some time now, we have been engaged in dialogue with county elections officials, with the State Controller's Office, and with other interested parties with respect to revising the formula so as to better reflect "net costs". The input of the Legislative Auditor via this report will be helpful in producing a more accurate formula for reimbursement.

(17)

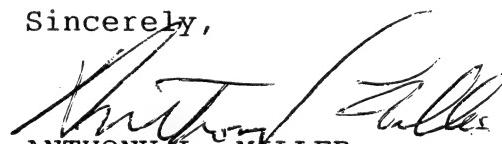
Finding: Reimbursement of Net Costs: One Year of Net Cost Data Ignored in Developing Rates-Undocumented Changes in Certain Counties' Rates

Response: The difficulty in carrying out the mandate to reimburse for "net costs" has plagued this office, county elections officials, and control agencies from the inception of the program. The complexity of dealing with 58 different counties, myriad staff, and changing election methodology and technology to determine "net costs" of a registration system which changed 16 years ago is awesome. It is our expectation that the current dialogue to devise a better reimbursement system will address the problems identified by the report.

Recommendations:

Response: We concur, in principle, with the recommendations. As indicated previously, current discussions with county elections officials, the Controller's Office, and others are expected to result in the development of a better formula for reimbursing "net costs" as well as enhancing the effectiveness of outreach efforts generally.

Sincerely,



ANTHONY L. MILLER
Chief Deputy

LIBTM1635

**Comments Office of the Auditor General's Comments
on the Response From the
Office of the Secretary of State**

- ① The Office's assertion that our analyses are flawed is based primarily upon our use of voter registration statistics supplied by the office and the U.S. Bureau of the Census. We did not use these statistics to reach our conclusions. The conclusions and recommendations in this report are based on our observations of the office's lack of oversight and the inappropriate reimbursement of counties' net costs. It should also be noted that while the office questions our analyses, it nevertheless agrees with our recommendations.
- ② The purpose of our audit was to determine whether the office and the counties are adhering to the statutory and regulatory requirements pertaining to county voter outreach plans and programs. We did not audit or question the voter outreach activities that the office performed in addition to the county programs mandated by law. Such a review would be outside the scope of our audit.
- ③ By this statement, the office acknowledges that voter registration in California has declined. This is the major point that we make in presenting voter registration statistics provided by the office and the U.S. Bureau of the Census. The objections raised by the office in subsequent sections are subordinate to this point.
- ④ As shown on page 19 of the report, we do not suggest that the decline in voter registration is attributable solely to the office's and counties' failure to adhere to the State's voter outreach program requirements. We present trend data on declining voter registration levels statewide and nationally to put in context the need to oversee outreach activities. The office acknowledged the decline in voter registration on page 2 of its response. In addition, we believe that oversight of

outreach budgets and efforts to identify unregistered voter pools, while only two of numerous examples of noncompliance, are important to voter outreach activities.

- ⑤ Although the office did comply with statutory requirements to promulgate regulations, the “technical deficiencies” we found involve county programs that do not comply with the regulations that the office adopted. We disagree that non-adherence to the minimum requirements is merely a “technical deficiency.”
- ⑥ We do not dispute that budget constraints are adversely affecting state agencies’ operations. However, evaluating counties’ voter outreach programs can take many forms and need not be labor intensive.
- ⑦ Based on our survey responses, every election official cannot answer in the affirmative to these questions. For example, only four counties indicated that they identify precincts with more than 3 percent non-English speaking residents. Therefore, we question whether bilingual registration forms are available everywhere they are needed. Furthermore, we question the office’s knowledge of county outreach activities since it has not evaluated counties’ outreach programs for at least a decade.
- ⑧ Although the new reimbursement process eliminated the need for counties to file cost claims for fiscal reviews by the office, Section 20004 of the existing regulations still requires the office to perform program reviews annually.
- ⑨ See our comments in Footnote ①.
- ⑩ Our analysis of 1980 and 1990 voter registration levels is based upon figures published by the Office of the Secretary of State.
- ⑪ Regardless of this and other subordinate arguments, the office acknowledges on page 2 of its response the primary point we make: voter registration in California has declined.
- ⑫ We do not compare California’s registration statistics with those of any individual state. Rather, we compare California’s statistics with the national average, thereby minimizing the variances in elections laws and procedures cited by the office. Nonetheless, the real issue is the decline in voter registration acknowledged by the office.

- ⑬ We do not maintain that one agency's set of statistics is more reliable than the other's. Instead, as shown on pages 18 and 19 of the report, we present both sets of statistics and describe the differences in their origin.
- ⑭ See our comments in footnotes ⑪ and ⑫.
- ⑮ We agree with the general logic of this paragraph. However, according to our survey, only 7 counties reported they perform the door-to-door outreach efforts that the office maintains are the more effective.
- ⑯ The office assumes that Trinity County is adhering to its voter outreach plan. However, Trinity County's plan was submitted in 1976 and has not been evaluated by the office since at least 1982. Therefore, without any evaluation for over a decade, it is ill-advised to assume a correlation between having a plan and following the plan. In addition, nine counties that reported they did not have formal voter outreach programs had decreases in voter registration, and three counties without formal outreach programs indicated they do conduct informal outreach activities.
- ⑰ We disagree. It is inappropriate to reimburse counties for costs they cannot document.

cc: **Members of the Legislature**
Office of the Governor
Office of the Lieutenant Governor
State Controller
Legislative Analyst
Assembly Office of Research
Senate Office of Research
Assembly Majority/Minority Consultants
Senate Majority/Minority Consultants
Capitol Press Corps